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Administration Divided on Spy Arrests

By John M. Goshko
Washington Post Staff Writer

The State Department and Justice Department are locked in a sharp, behind-the-scenes dispute about whether the Carter administration's moves against Soviet spies in the United States are fueling the deterioration of U.S.-Soviet relations.

At issue is a problem that has plagued U.S. governments since the height of the Cold War—the clash between the pursuit of better relations with the Soviet Union on the international scene and the need to safeguard national security.

In recent weeks, the conflict has been exacerbated by what high-ranking State Department officials contend is an increasingly hard-line approach in Attorney General Griffin B. Bell's Justice Department toward espionage cases.

State officials say that some recent actions by the Justice Department are regarded in intelligence circles as a changing of the "unwritten rules" by which the superpowers traditionally have played the spying game.

In addition, the State officials charge that the FBI, which is under Bell's control, has been trying, with the help of sympathizers in Congress, to pull off what one State source calls a "power grab." Its aim, State officials say, is to give the FBI the dominant voice in deciding whether foreign nationals suspected of espionage activity should be denied visas to enter the United States.

On the other side, Justice and FBI officials deny that there has been a major shift in policy toward Soviet espionage cases. They do concede, though, that their responsibility for safeguarding national security and enforcing the law frequently runs counter to what one calls "the convenience of the State Department."

In diplomatic and intelligence circles, this gap between the attitudes of State and Justice is regarded as one of the major underlying causes of the recent sharp increase in tensions between the Carter administration and the Kremlin.

Its effects were made vividly clear by the events that began unfolding in June when the FBI, amid a blaze of front-page publicity, arrested two Soviet citizens employed by the United Nations and charged them with trying to buy secret U.S. naval warfare documents.

The decision to prosecute the two on espionage charges was preceded by a lively debate within the administration that pitted State and the Central Intelligence Agency against Justice and the FBI. The debate ultimately had to be resolved by President Carter.

The State Department, backed by the CIA, argued that the two Russians should have been quietly expelled rather than arrested and prosecuted. Department sources say Carter was warned that prosecution would be interpreted by the Soviets as a breach of the "unwritten rules" that the two countries normally apply to each other's apprehended agents and would invite a dramatic and inflammatory Soviet retaliation.

"As recently as two years ago, when [then-Secretary of State] Henry Kissinger was calling the shots on foreign policy, that would have been the paramount consideration," says one State official. "It would have been handled quietly in a way designed not to disturb the larger framework of our pursuit of detente with the Soviets."

However, in making a decision, Carter sided not with State but with Bell, who reportedly went to the president to argue that the case involved a clear violation of law that could not be overlooked. Bell also is known to have argued that the so-called "rules" didn't apply since the two Russians did not have diplomatic status or immunity.

The retaliation feared by State came in July when Soviet police, in an act that sent U.S.-Soviet relations plunging to their lowest ebb in years, dragged an American businessman, Francis J. Crawford, from his car on a Moscow street and charged him with currency violations.

Crawford's arrest forced Washington into a frenzy of high-level negotiation with the Soviets that finally resulted in Crawford and the two Russians being released temporarily in the custody of their ambassadors.

"What was accomplished by arresting the Russians?" asks the State Department official. "All it did was trigger an incident that unnecessarily tied up much of the U.S. government, including the president and the secretary of state, in a wasteful and enervating effort to try and undo the damage."

"In addition," he notes, "the American business community in Moscow has been paralyzed with fear and uncertainty that could seriously set back the development of U.S.-Soviet trade; suspicions and animosities have been heightened on both sides, and, in an atmosphere like that, the chances for reaching accommodations on matters affecting world peace aren't enhanced."

He points out, by way of illustration, that the two Soviets are scheduled to go on trial Sept. 12 before a federal court in New Jersey. On Sept. 19—a time when the trial is likely to be in full swing and attracting a heavy share of press attention—Secretary of State Cyrus R. Vance and Soviet Foreign Minister Andrei Gromyko will be meeting across the Hudson River in New York to continue their search for a strategic arms limitation talks (SALT) agreement.

"The fallout from the trial will be swirling all around them," the official predicts. "How can you make progress in a situation like that?"

Some State and CIA officials express hope that the incident might have been a "learning experience" that will cause Carter and Bell to take a "less simplistic view" toward espionage cases in the future. However, the Justice Department gives no outward sign that it's had any second thoughts on the matter.

Instead, one Justice official who is privy to Bell's thinking, says: "We never thought there was much room for argument on this one. In this administration, when someone's caught in a serious violation of law, he's going to be prosecuted—no matter who he is or where he comes from. That's how Bell feels, and he believes the president feels the same way."

The cleavage between the two departments is also likely to affect efforts to resolve another aspect of the controversy—that involving U.S. visa policy and charges that the State Department's permissiveness has allowed too many spies from the Soviet Union and its communist bloc allies to infiltrate the United States.

In recent weeks, these charges have triggered a number of moves by conservatives in Congress to restrict and inhibit State's visa-granting powers by giving more weight to the FBI's con-

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